IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2024 OF 2005

Captain V.K.S. Saigal ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr. H. Sripad Murthy i/b Mr. Jayant Pol, Advocate for Petitioner

Mr. Sandeep Ahirrao i/b Mr. Satish Maneshinde, Adv. for Respondent No.2.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 4TH OCTOBER, 2005

P. C.:-

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned advocate for the petitioner, the learned advocate for the respondent i.e. original complainant and the learned A.P.P. for the State.

3. The petitioner has been convicted in a case under Section 138 of Negotiable Instruments Act. The appeal preferred by the petitioner is pending before the Sessions Court. The present petition has been preferred by the petitioner is for return of his passport which has been deposited before the Sessions Court at Mumbai. The learned advocate for the

petitioner has submitted that the petitioner is Managing Director of a Shipping Company and on account of this work he is required to travel abroad very often. It is further stated that now the petitioner is required to travel abroad for a period of one month. Hence, he seeks return of passport for a limited period of one month.

4. It is seen that during the pendency of this proceedings, the petitioner had travelled abroad for more than eight occasions and the Court had granted permission to the petitioner to travel abroad on all these occasions. After he returned from abroad, the petitioner has returned his passport. In the present case it is seen that the title deeds of two flats of the petitioner situated at Navi Mumbai have been deposited by the petitioner before the trial Court. The approximate value of the said flats is Rs.35.00 lakhs. In addition thereto an amount amount of Rs.50,000/- has been deposited by the petitioner before the trial Court. Now the said amount and title deeds have been transferred to the Sessions Court where the appeal is pending.

5. Looking to the fact that the petitioner has travelled abroad earlier on many occasions and thereafter returned the passport, I am inclined to grant prayer of the petitioner for return of his

passport to enable him to travel abroad for a period of one month, on following conditions;

i) The petitioner shall deposit an additional amount of Rs.2.00 lakhs (Rupees Two lakhs only) before the Sessions Court. On deposit of the said amount, the passport of the petitioner shall be handed over to the petitioner. On the petitioner returning the passport, the said amount of Rs.2.00 lakhs shall he handed back to the petitioner;

ii) Before travelling abroad, the petitioner shall submit details of itinerary of his visit abroad, to the Sessions Court i.e. he shall give details of the country/countries to be visited, address at which the petitioner will reside when abroad, telephone number on which he can be contacted when he is abroad, the date of leaving the country and the date of returning back to the country.

6. Application is allowed in the above terms.

7. Office to issue an authenticated copy of this

order to the parties.

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